N

closed
NRP
Supdt.

HELA (1954) Deptt

(Twenty pages)

Memo no 96385 HE 154.4. Health

Dated 10-1-55

Back + further papers

Memo no 49176 HE 154.3. Health

dated 13/8/54

Zoning - Mangalore Municipality - Residential area

Exclusion of T.S. no 233 of 15th ward from notified residential area - Colonel resolution no 1678 dated 11th Sept 1954 - Submitted.

E4/ 157 / 54.

Municipal Office,
Mangalore, D/ 21st Septr. 1954.

From

Sri A.K. Raghavan, B.A.B.L.,
Commissioner, Mangalore Municipality, Mangalore.

To

The Secretary to Government,
Health, Education and Local Administration Department
Madras.

Thro'

The Chairman, Municipal council, Mangalore.

Sir,

Zoning - Mangalore Municipality - Residential area - Exclusion of T.S.No. 233 of 15th ward from notified residential area - council resolution No. 1678 dated 11th Septr. 1954 - submitted.

Reference:- Government Memorandum No. 49176/HV-54-3 Health, dated the 13th August 1954.

I submit herewith a copy of council's resolution No. 1678, dated the 11th Septr. '54 for favour of information. It is requested that the installation of an air compressor of 3 H.P to operate a hoist in the premises T.S.No. 233 of 15th ward occupied by Sri Aravind Motors may kindly be permitted in view of the fact that it is an amenity which does not cause any nuisance and is necessary even in residential areas. It is also felt that on the analogy of the Government orders permitting the installation of oil engines for running cinema theatres as it is an amenity there may not be any objection to accord sanction to the above proposal of the council.

It is, therefore, requested that the Government may be pleased to reconsider the orders issued in their Memorandum No. 49176-HV/54-3 Health dated the 13th Aug. 54 at an early date.

Commissioner, M.M

Forwarded.

22/9

Chairman, M.C.

Copy submitted to the Director of Town Planning, Madras & The Director of Public Health, Madras.

H/23-9
Encl:1

22/9

3

Extract from the proceedings of the Mangalore Municipal council, dated the 11th Septr. 1954.

E3/157/1954. Read file of papers connected with the grant of permission under section 250 of the Madras District Municipalities Act for 3 H.P air compressor in T.S.No. 233 occupied by Aravind Motors premises is residential area for the purpose of operating a hoist for servicing motor cars and Government Memo No.49176/HV -3-54 concurring with the views of the Director of Town Planning, Madras, and informing that the proposed installation of hoist is objectionable from public health point of view as it offends section 92(a) of P.H.Act 1939

(W) 39-M

*D/13.8.54

Note:-

1. Permission for the hoist has been refused already.

2. The Government have held that the permission for the hoist should not be granted unless the site is excluded from the notified residential area.

C.R.No. 1678, dated 11th Septr. '54.

2

The Government may be addressed to reconsider their opinion regarding permitting the operation of a hoist for servicing motor vehicles in the light of the fact that it is an amenity which does not cause any nuisance and is necessary even in residential areas and that even the installations of oil engines for running cinema theatres are permitted in Residential areas as they are amenities.

sd.K.S.N.Adiga,
Chairman, M.C

(True extract)

Municipal Office, Mangalore,
dated the 21st September 1954.

Commissioner, M.M

H/23-9.compd.

22/9

96385/54

S/ HE LA

Hr

Sub: Residential areas - Mangalore mpty. Residential area - Exclusion of TS No 283 of the 15th ward from - commrs resolution no 1678 dt 11.9.54. requesting reconsideration of order

W

30/X/10

Hpl-30/

Ref: From the Commr, Mangalore mpty, E4/157/54 dt 21/9

—x—

Memo 96385 Hr/54.1-, Health, dt 1/10/54

The attention of the D.T.P and the D.P.H is invited to the letter from the Commr, Mangalore mpty cited (copy sent to them) and they are requested to offer their remarks.

DP 1/10

29/9/54

MR 29.9.54

10/10/54

To the D.T.P.

D.P.H.

MR 11/X

ASSISTANT SECRETARY TO GOVT.
104530
17 OCT 1954
HEALTH, EDUCATION & LOCAL ADMN. DEPT.

PUBLIC HEALTH DEPARTMENT

From
Dr.T.S. Adisubramaniam,
D.I.H. (England);
Director of Public Health;
Madras.

To
The Secretary to Government
Health Education & Local
Administration Department,
Madras.

R.No.56161 - 1(Hyg) (2)/54 dated 15-10-1954.

Sir,

Sub: Residential areas - Mangalore Municipality - Residential areas - Exclusion of T.S.No.233 of the 15th Ward from - Council's Resolution No.1678 dated 11-9-54 - Requesting reconsideration of - orders.

Ref: Government Memo. No.96385 -H.V/54-1 Health dated 1-10-54.

****

Although servicing of motor vehicles is not an offensive trade, by the introduction of power for operating a hoist, the premises will become a "New factory," the establishment of which is absolutely prohibited in notified residential areas, by Section 92(a) of the Madras Public Health Act. The installation of oil engines in cinemas is not for any "trade" purpose and the premises will not be a factory, workshop or workplace. Hence, the provisions of section 92(a) of the Madras Public Health Act will not be offended by the installation of oil engines in cinema theatres in notified residential areas. In these circumstances, the request for reconsideration of the orders in Government Memo.No.49176-H.V/54-3 Health dated 13-8-54 may be refused.

Yours faithfully,

16/10/54

For Director of Public Health, Madras.

ksa.15/10.

P.T.O.

c/ 46385/54

HELA

The receipt of a reply from the D.T.P. w.r.t the com on pesante may be awaited till 30/x/54

20/10/54

20.10.54

1/54

96385/54

9

HE & A
HT

Sub:- Residential areas - Mangalore mpty. Exclusn of TS no 233 of the 15th ward from - Council's resoln no 1678 dt 11-9-54. requesting reconsideration of orders

—x—

Ref: Govt Memo no 96385 HT/54 I. Health dt 1/10/54

—x—

Memo 96385 HT/54. 2. Health dt 15/11/54

The DTP is requested to expedite the submission of his reply to the Govt Memo cited

4/15/11/54

12/11/54

13.11.54

To the DTP.

CENTRAL DESPATCH BRANCH
Date
P.S.
P.S.
4/11/54

From
Sri J. Sivanandam, I.A.S.,
Director of Town Planning,
Old High Court Buildings,
1st Line Beach, Madras-1.

To
The Secretary to Government,
Health, Education and Local
Administration Department,
Fort St. George, Madras-9.

Roc.No.9421/A3/54 Dated 18/11/54.

Sir,

ASST. SECRETARY TO GOVERNMENT
116319
20 NOV 1954
HEALTH EDUCATION AND LOCAL ADMINISTRATION DEPT.

Sub:- Residential areas - Mangalore Municipality - Exclusion of T.S.No.233 of 15th ward from notified residential area - Council resolution No.1678 dated 11-9-54 - Remarks submitted.

Ref:- From the Commissioner, Mangalore Municipality E4/157/54 dated 21-9-54 to the Secretary to Government.
Government Memo.No.96385/HV/54-1, Health dated 1-10-54.

The Department sees no reason why the Government should revise their opinion already offered in para 2 of Government Memo. No.49176-HV-54 dated 13-8-54 and exclude, as resolved by the Municipal Council in its resolution No.1678 dated 11-9-54, the erection of a hoist for servicing motor vehicles in a prohibited residential area. This area has been specifically set apart as a residential area and a servicing of motor vehicles (accompanied by a certain amount of air compressing etc.) can be deemed as a nuisance if it is permitted indiscriminately in all residential localities.

The Department sees no reason why the Municipal Council in the above mentioned case should not exclude the area from the notified residential area as has already been proposed by

the Department. Government may pass suitable orders in the matter.

ORN:18-11.

FOR DIRECTOR OF TOWN PLANNING.

No. E4.157/54

Municipal Office, Mangalore,
Dated 16th Novr.1954

From
Sri.A.K.Raghavan, B.A.,B.L.,
Commissioner,
Mangalore Municipality.

To
The Secretary to Government,
Health, Education and Local
Administration Department,
Fort St. George, Madras,
Thro'The Chairman, M.C. Mangalore.

Sir,

Sub:- Zoning - Mangalore Municipality - Residential area - exclusion of T.S.No. 233 of 15th ward from notified residential area - council resolution No. 1678 dated the 11th Aug. 54 - reconsideration of orders - requesting.

Ref. 1) Government Memorandum No. 49176/HV/54-3 Health, dated the 13th August 1954 (2) This office lett r No.E4/157/54, dated the 21st Septr. 1954.

In inviting a reference to this office letter cited above, I request that the Governmentmay be pleased to reconsider their orders issued in Memo No. 49176-HV/54-3 Health dated the 13th Aug. 54 at an early date.

Commissioner, M.M

Forwarded.

Chairman, M.C

h/18-11-54.compd.

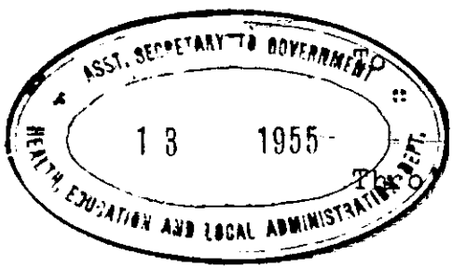
15

As VI | H5

E4/157/1954.

Municipal Office, Mangalore,
dated the 3rd January 1955.

3771



From

Sri A.K.Raghavan, B.A.,B.L.,
Commissioner,Mangalore Municipality.

The Secretary to the Government of Madras,
Health, Education and Local Administration
Department, Fort St.George, M a d r a s

The Chairman,
Municipal Council, Mangalore.

Sir,

Zoning - Mangalore Municipality -- Residential area - exclusion of T.S.No. 233 of 15th ward - from notified residential area - council resolution No.1678 dated the 11th August 54 -- reconsideration of orders -- requesting.

Ref. 1. Government Memorandum No. 49176/HV/54-3 Health dated the 13th August 54

2. This office letter No. E4/157/54 dated the 21st Septr.54 and dated the 16th November 1954.

Cno 96385/54

In inviting a reference to this office letter No.E4/157/1954 dated the 21st Septr.54, I request that the Government may be pleased to reconsider their orders in Memorandum No. 49176/HV/54--3 Health dated the 13th August 54 as requested by this council in its resolution No.1678 dated the 11th August 54 at an early date.

Commissioner,M.M

FORWARDED.

CHAIRMAN,M.C.

h/8-1-55.
compd.

HEA
HV

Orders on the M.C. Commr's letter cited are under issue in Govt Memo No 96385 HV/54-4. Health dt 10/1/55. May be lodged.

15/1/55 15-1-55 17-1-55

V) HELA
HT

96385/54 Sub Zoning: Mangalore Mpty Residential area - Exclusion of TS no. 233 of 15th Ward - belonging to Arvind Motors - Reconsideration of orders - Request for.

3.

113/10/1

Read also:-

(W) /39-41 Govt Memo no 49176 HT/54.3 Heal dt 13.8.54.

Read also:-

pp 1-3 cf From the Commr, Mangalore Mpty, 24/157/54, dt 21.9.54

p 7 cf From the D.P.H, R.no 56161-1Hyg (2)/54, dt 15.10.54

p 11 cf From the D.T.P Roc no. 9421/A3/54, dt 8/11/54.

DA 10/1

Memo 96385 HT/54.4. Health dt 10-1-55

pp 40-41 (W)

In para 2 of the memo cited the Govt informed the Md Commr Mangalore that as the installat of an electric motor for operating a hoist for servicing motor Cars in TS no 233 (ward no 15) belonging to Arvind motors will attract the provisions of section 92 (a) of the M.P.H Act he might advise the md cl

P.T.O

not to grant permission for the installation (under sec 250 of the M.D.M. Act) until such time as the site is excluded from the notified residential area. ~~p/s 260-1961 (W)~~

In pursuance of the above instructions the Ml Commr, Mangalore placed the matter before the mnl cl with a note. The mnl cl resolved in its resolution no 1678 dt 11.9.54 to address the Govt to reconsider their orders ~~for~~ the following grounds ~~I~~

(1) The operation of a hoist for servicing motor will be an amenity / or necessarily even in residential areas and may not cause any nuisance.

(2) Their installation of it may be permitted as in the case of oil engines for running cinema theatres in residential areas.

2. The Govt have carefully examined the request of the mnl cl in its resolution dt 11.9.54 and they do not for the following reasons consider it necessary to revise their previous orders.

(1) Although the servicing of motor

P.T.O

vehicles is not an offensive trade by the introduction of power for operating a hoist, the premises or the place of the installation will become a new factory' the establishment of which is absolutely prohibited in residential area vide section 92 (a) of the M.P.H Act, 1939 (Madras Act III of 1939)

p7cf

(2) The installation of oil engines in cinema theatres is not for the purpose of carrying on of an offensive trade. The purpose of the theatre will not become a factory, workshop or workplace by such installation of oil engines.

p7cf

Hence the provisions of Sec 92(a) of the M.P.H Act will not be attracted for installation of oil engines in cinema theatres in notified residential areas where oil engines are installed.

To the Commr Mangalore Mpty (thro the CMC)

" D.P.H.

" D.P.H

(2 Secs)

13/12/54 NRP 14-12-54

15/12/54

10.1.55

CENTRAL DESPATCH BRANCH

Van. / Post. / Regd. Post. / Messenger.

Despatched by

Date 5-1 1955 Despatcher's Initials.

The draft above is self explanatory and is based on the observations of the DPH on p7cf. It may-

D.T.O

~~Ex~~ 20

Work the Concurrence and after scrutiny by Law.

3/12/54
NRP
14.12.54.

15/12/54

Law (54)

The alterations indicated in pencil on the draft ~~above~~ above may be made.

30/12/54 31/12/54
D-S.

HE A no 96385 HE/54.3. Health 15/12/54

12:5:A

HELA

ASSISTANT SECRETARY 16 DEC 1954 19570 LAW DEPARTMENT, MADRAS

Law u.o. 19570/54-1
31-12-54

HELA
HP

Please see the pencil additions suggested by Law on p3 of the draft. They may be accepted and draft issued.

ASSISTANT SECRETARY TO GOVT. 249 8 JAN 1955 HEALTH, EDN. & LOCAL ADMN. DEPT.

6/1/55
NRP
7.1.55.

8.1.55 D.S.

10.1.55